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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS**DOCKETED**

MAR 17 2009

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY FOR
WATER SERVICE.

DOCKET NO. WS-02987A-04-0869

DECISION NO. 70842

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 68960

Open Meeting
March 3 and 4, 2009
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On September 21, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 68960 in the above-captioned matter approving an application filed by Johnson Utilities Company ("JUC" or "Company") for an extension of the Company's Certificate of Convenience and Necessity ("CC&N") in Pinal County, Arizona.

2. As one of the conditions of approval of JUC's CC&N extension, the Commission ordered the Company to: "file with Docket Control, as a compliance item in this docket, a copy of the ADEQ [Arizona Department of Environmental Quality] Approval to Construct for the water system backbone facilities within 24 months of the effective date of this Decision." (Decision No. 68960 at 6)

3. On September 3, 2008, JUC filed a letter requesting an extension of time of 24 months, from September 21, 2008, to September 21, 2010, to comply with ADEQ Approval to

1 Construct filing requirement. According to the Company's letter, the developer of the project within
2 the CC&N extension area has delayed the start of the project due to the slow down in the real estate
3 market, causing a delay in obtaining the Approval to Construct for the water system backbone
4 facilities.

5 4. On October 3, 2008, the Commission's Utilities Division ("Staff") filed a
6 Memorandum recommending that the requested 24-month extension be granted. Staff indicated that
7 it received a letter from the developer on September 24, 2008, affirming the continued need for water
8 service from JUC, but on a delayed schedule of approximately two additional years. Although Staff
9 recommended that the extension be granted, Staff further recommended that no additional extensions
10 be granted.

11 CONCLUSIONS OF LAW

12 1. JUC is a public service corporation within the meaning of Article XV of the Arizona
13 Constitution and A.R.S. § 49-281 *et seq.*

14 2. The Commission has jurisdiction over JUC and the subject matter of the request for
15 extension of time deadline.

16 3. Staff's recommendation is reasonable and should be adopted.

17 ORDER

18 IT IS THEREFORE ORDERED that John Utility Company's request for extension of time to
19 comply with Decision No. 68960 is granted extending the time until September 21, 2010, to file with
20 Docket Control, as a compliance item in this docket, a copy of the ADEQ Approval to Construct for
21 the water system backbone facilities within the CC&N extension area authorized by Decision No.
22 68960.

23 IT IS FURTHER ORDERED that, absent extraordinary circumstances, no additional
24 extensions of time shall be granted regarding this matter.

25 ...

26 ...

27 ...


IT IS FURTHER ORDERED that, in all other respects, Decision No. 68960 shall remain in full force and effect.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

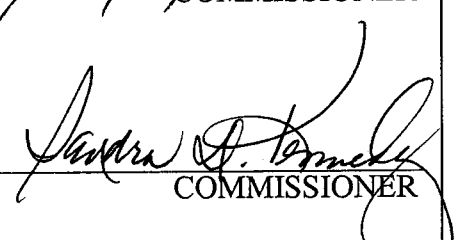
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN



COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 17th day of MARCH, 2009.


MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR:

JOHNSON UTILITIES COMPANY

2 DOCKET NO.:

WS-02987A-04-0869

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